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Attorneys for Plaintiff UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 05-00400 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME
v.)	FROM SPEEDY TRIAL CALCULATION
ANDRE BENARD,)	
)	
Defendant.)	

With the agreement of the parties, the Court enters this Order excluding the time period from September 2, 2005, through September 23, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161. The parties agree, and the Court finds and holds, as follows:

1. The parties appeared before the Court on September 2, 2005, for a status hearing. Defense counsel, who was appointed that same morning to represent the Defendant due to a conflict declared by the Public Defender's Office, stated that he required time to review discovery. The Court therefore excluded time based on the need for effective preparation of counsel and set a further status hearing date of 11:00 a.m. on September 23, 2005.

2. In light of the foregoing facts, the parties have stipulated and continue to stipulate that the failure to grant the requested continuance would unreasonably deny the Defendant effective preparation of counsel taking into account the exercise of due diligence, that the ends of

justice would be served by the Court excluding the proposed time period, that these ends outweigh the best interest of the public and the Defendant in a speedy trial, and that the time period from September 2, 2005 through September 23, 2005 shall be excluded from the Speedy Trial Act calculation. 18 U.S.C. § 3161(h)(8)(A), (B)(iv).

SO STIPULATED.

DATED: September 7, 2005

/S/ MARK GOLDROSEN
MARK GOLDROSEN
Attorney for Defendant Andre Benard

DATED: September 6, 2005

/S/ EDWARD TORPOCO
EDWARD TORPOCO
Assistant United States Attorney

In light of the foregoing facts, and with the consent of the parties, the Court hereby orders that the period from September 2, 2005 through September 23, 2005 be excluded from the Speedy Trial Act calculation under 18 U.S.C. § 3161(h)(8)(A), B(iv).

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

HON. SUSAN ILLSTON
United States District Judge

